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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,131	04/03/2000	JOHANNES SCHRAMMEL	PHO-98633	1166

24737 7590 11/16/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/509,131

**Applicant(s)**

SCHRAMMEL, JOHANNES

**Examiner**

James A. Fletcher

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

### ***Drawings***

2. The drawings were received on 29 April 2004. These drawings are acceptable.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: The claim contains the text "said recording medium position." There is insufficient antecedent basis for this limitation. There are two recording medium positions mentioned previously in the claim. One is "a recording medium start position," and the other is "a desired recording medium position." The examiner believes the text should read --said recording medium start position--, and will analyze and discuss the claim under this interpretation.

Claim 3 is objected to because of the following informalities: The claim as amended does not clearly indicate which text has been added or deleted. In particular, the limitation of "memory means" does not appear in the original text of the claim, but it is not indicated as being additional text, and the text. Further, claim 3 as amended contains the text "in said memory means in the final limitation, but this text does not appear in the original claim, and it is not indicated as being additional text in the claim.

Finally, the word "reception" is missing from the description of signal (ES) in the amended claim, but the amendment does not indicate this word as being deleted.

Claim 4 is objected to because of the following informalities: As amended, the claim contains the text "wherein said." This text does not appear in the original claim, and it is not indicated as being additional text in the amended claim.

Claim 6 is objected to because of the following informalities: As amended, the claim concludes with the text "in said memory means." This text does not appear in the original claim, and it is not indicated as being additional text in the amended claim.

Claim 7 is objected to because of the following informalities: The claim contains an open parenthesis after the word "device" but there is no corresponding close parenthesis.

Claim 9 is objected to because of the following informalities: As amended, the claim contains the text "wherein said." This text does not appear in the original claim, and it is not indicated as being additional text in the amended claim. Further, claim 9 contains the text "said said." The examiner believes the text should read --said--.

Appropriate correction is required.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection, although the examiner will comment on selected arguments.

In re page 13, applicant's representative states, "Claim 1, as amended, now recites, in part 'positioning said at least one playback head with regard to a desired

recording medium position.' Claim 1, as amended, more clearly states that the either the heads or the recording medium may be positioned for playback. Although, the examiner believes that the invention relates to a tape player, applicant would point out that the invention is not so limited. Rather, as stated in the specification beginning on page 14, line 11, 'It is to be noted that the playback device may also be formed by a DVD player in which an optical playback head is positioned into a desired recording medium position of an optical data carrier.'"

The examiner respectfully points out that in a video tape player such as the device illustrated in the drawings submitted with the application, the rotary video head drum is positioned with regard to the playback medium as well. The amended language does not overcome the rejection.

**In re page 14**, applicant's representative states, "Lewis does not include the elements of 'time information (WZI) which characterizes a desired playback moment corresponding to the sum of a starting time information (BZI) characterizing said recording start moment (T21) and a recording time duration' as is recited in amended claim 1."

The examiner respectfully disagrees. Lewis clearly and distinctly discloses a starting time information in Col 5, lines 63-67 "Position counter receives inputs over line 17 from BOT sensor 16 and over a line 32...to selectively reset counter 30 to a zero or other reference count" and time information characterizing the recording start moment and a recording time duration in Col 3, lines 22-24 "all of the information necessary to identify such start and stop points is recorded right on the tape itself."

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al (4,224,644).

**Regarding claim 1**, Lewis et al disclose a device with means for reproducing a signal recorded on a recording medium starting from a recording start moment by means of at least one playback head and positioning means for positioning the medium into a desired position for reproducing a recorded signal starting from this recording medium position (Col 4, line 23 "audio/video player/recorder"); and

- input means for supplying a playback time information which characterizes a desired playback moment (Col 6, lines 5-8 "a conventional digital memory device having a series of storage registers for storing numerical equivalents of tape position") corresponding to the sum of a starting time information characterizing the recording start moment and a recording time duration which has already elapsed in the recoding of the recording signal in the desired recording medium position of the recording medium (Col 6, lines 11-13 "tape position numbers indicative of the start point for each selection recorded on a tape, the tape position numbers indicative of the stop point for each selection recorded on a tape") and
- wherein the desired recording medium position is determined by the positioning means by subtracting the starting time information from the supplied playback time information (Col 6, lines 27-29 "scan and match circuit

40...compares the output of counter 30 with the number stored in a selected register in memory”).

**Regarding claim 2**, Lewis et al disclose a device for reproducing a recorded signal comprising means for detecting the starting time information contained in a reproduced recorded signal (Col 9, lines 36-37 “it becomes desirable to record the stored tape position numbers on the tape” and Col 12, lines 56-59 “there is recorded a 100Hz tone at the start of every program selected and a 40 Hz tone at the end of every program selection”).

**Regarding claim 3**, Lewis et al disclose a device for reproducing a recorded signal comprising:

- means for receiving a reception signal (Fig 1, item 11 “Audio and Video Cassette Player/Recorder”);
- memory means (Col 4, lines 29-31 “all of the information for controlling the tape player/recorder is recorded on tape”); and
- means for recording reception of the signal as a recording signal on a recording medium (Fig. 1, item 11 “Audio and Video Cassette Player/Recorder”), and
- means for storing the starting time information in the memory means (Fig 1, item 13 “Audio Control Channel,” Col 7, lines 15-16 “All of the digital data stored in memory 35 may be conducted over a line 36 to a digital data generator 37,” Col 7, lines 23-24 “memory 35 may store the tape position

numbers in a binary format,” and Col 7, lines 36-38 “The output of generator 37 is connected to line 46...for recording on tape”).

**Regarding claim 8**, Lewis et al disclose a device for reproducing a recorded signal (Col 4, line 23 audio/video player/recorder”), registering the recording medium start position at a beginning of the recording medium (Fig 1, item 16 “BOT [Beginning of Tape] sensor”).

**Regarding claim 9**, Lewis et al disclose a device for reproducing a recorded signal wherein the desired playback moment is determined from a numerical code information provided (Col 8, lines 5-10 “a means for searching for and playing discrete identifiable selections recorded on a length of tape and this is done upon demand by the operator through the use of a separate button or a combination of buttons for each desired program” and Col 8, lines 31-33 “a numerical equivalent of a tape position expressed in distance away from the reference point”).

**Regarding claim 11**, Lewis et al disclose a device for reproducing a recorded signal wherein the memory means is the recording medium (Col 4, lines 29-31 “all of the information for controlling the tape player/recorder is recorded on tape”).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



7. Claims 6, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al as applied to claim 1 above, and in further view of NAVCO (1750 System Controller Product Sheet).

**Regarding claims 6 and 10**, Lewis et al do not suggest entering or storing recording date information which characterizes the recording date of a recorded signal.

NAVCO teaches the utilization of the user bits of SMPTE time code for storing the date information corresponding to the date the recording was made (Page 1, "Encodes time, date [VITC] and camera number on videotape"). Such utilization by NAVCO is shown to be valuable for locating images corresponding to a selected time and date.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lewis et al to include date information if the search criteria included the date of the recording.

**Regarding claim 7**, the combination suggests recording source data on the tape (NAVCO, page 1, "Encodes time, date...and camera number on videotape"), but does not specifically disclose the recording of broadcasting station identifier information.

The examiner takes official notice that recording of broadcasting station identifier information is a well-known and widely used utilization of VITC user bits, and has been shown to be useful in identifying desired information regarding a recorded signal.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to record broadcasting station identifier information as part of the non-visual data on the tape.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al as applied to claims above, and further in view of Inoue et al (4,890,168).

**Regarding claim 4**, Lewis et al suggest a device for reproducing a recorded signal characterized in that the recording means are designed for recording a starting time information (Col 6, lines 9-11 "memory 35 has sufficient storage capacity for storing the tape position numbers indicative of the start point for each selection recorded on a tape"), but do not specifically disclose that signal being in accordance with the VASS standard on a magnetic tape.

Inoue et al teach a device for reproducing a recorded signal characterized by recording a starting time information in accordance with the VASS standard on a magnetic tape (Col 1, lines 18-30 "The conventional VTR of a VHS [Video Home System] type includes a VTR comprising a so-called index scan function of performing pulse-width modulation of a control signal in response to an index signal indicating the starting position of each program recorded on a magnetic tape and recording the same, to search the recorded program utilizing such an index signal. As such an index scan function...a VASS [Video Address Search System] utilizing an address signal indicating an absolute address of a tape in addition to the above described index signal is generally employed").

As suggested by Lewis et al, and taught by Inoue et al, VASS is a well known, commercially available, and widely used system for locating and playing a specific segment of a recording on a video tape, and provides a recognized standard for doing so quickly and easily.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lewis et al to include VASS standard signals for locating and playing a selected segment of a recording on a video tape.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al as applied to claims above, and further in view of Kawamura et al (6,453,110).

**Regarding claim 5**, Lewis et al suggest a device for reproducing a recorded signal with the starting time information recorded on the tape, (Col 6, lines 9-11 "memory 35 has sufficient storage capacity for storing the tape position numbers indicative of the start point for each selection recorded on a tape"), but do not specifically disclose that information formatted in a sub-code in accordance with the DVHS standard on a magnetic tape.

Kawamura et al teach a signal reproducing system wherein the recording means are designated for recording a starting time information (Col 6, lines 52-53 "a time code command searches for a specified time code if its command type is control") in a D-VHS recording (Col 4, lines 13-16 "a digital device is to decode signals recorded on a digital VCR (Video Cassette Recorder) such as a DV (Digital Video) and a D-VHS (Digital VHS), monitor these signals, and receive digital broadcasting").

As suggested by Lewis et al, and taught by Kawamura et al, storing starting time information in a DVHS recording is well known, commercially available, and widely used, providing a recognized standard for locating and playing a selected segment of a recording on a video tape.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lewis et al to include recording a starting time information in accordance with a DVHS standard.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (703) 305-4380.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
November 12, 2004



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600